



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
September 20, 2012**

Members present: Member Barney Ovrut, Alternates Kevin Penders and Kim Mellen.

Mr. Ovrut opened the meeting at 7:00 p.m.

7:00 p.m. Maroun and Diana Ayoub request a variance from Foxborough Zoning By-Laws, Section 4-1, Dimensional Requirements to allow a new lot to be created from an existing parcel with less than the required 200 feet of street frontage. The proposed new lot would have street frontage of 82.03 feet. The existing parcel, located at 44 Walnut Street, is in an R-40 Residential Zoning District and is not located in any restrictive overlay districts. Maroun and Diana Ayoub were present and were represented by Anthony Stella, P.E., of Site Engineering Consultants, Inc.

Mr. Stella explained to the Board that the Ayoub's would like to divide their property into two separate parcels. The total lot size is 99,654 square feet with 283.01 feet of frontage on Walnut Street. There is vegetative wetlands on the property. They would like to divide the property into one parcel of 40,071 sq. ft. with and 200 feet of frontage which would contain their single family home. The second parcel would be 59,583 sq. ft. with 83 feet of frontage and would be an L shaped lot. They would like to be able to construct a home in the rear of the second parcel that would comply with all zoning requirements except for frontage. A road cannot be constructed due to the wetlands on the property. The town's Subdivision Regulations allow for a frontage waiver with a Zoning Board Variance.

The property was the subject of a variance hearing in 1995 which requested 53 feet of frontage instead of 82; it was denied.

Mr. Stella noted that the hardships for the Ayoub's are the soil and shape of the lot. Ms. Ayoub stated that other homes in the area have less than the required 200 feet of frontage.

James O'Leary son of abutters Tim and Mary O'Leary of 46 Walnut Street who have lived in the area since 1968 explained his parents are concerned with the increased traffic and safety. They are also concerned with the high water table in the area and that any new structures would change to drainage flow to their property.

Abutter Terry Johnson of 41 Walnut Street was concerned that the proposed driveway for the new lot would line up with the driveway across the street.

Mr. Stella stated that the new driveway would be to the right of the present drive at 45 Walnut and it would be graded towards the rear of the property with a retention area near the wetlands area.

A motion to close the public hearing was made by Mr. Penders and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board discussed the possibility of a site walk but decided that they were comfortable with the information and maps presented.

The Board discussed the precedence set by the 1995 decision, this application is substantially the same with the only difference being the 30 feet of additional frontage proposed for the second lot. The Board felt that this petition must also be denied based on the 1995 decision.

A motion to deny the application as presented was made by Mr. Penders and seconded by Ms. Mellen. The motion carried 3-0-0.

GENERAL BUSINESS

The minutes of July 19th were reviewed.

A motion to approve the minutes of July 19, 2012 was made by Mr. Penders and seconded by Ms. Mellen. The motion carried 3-0-0.

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Diana Gray